

In re MICHAELI ET AL., Application No. 09/845,606
Remarks D

previously introduced in the claim to be the order that the items were distributed among the sub-data structures), which the Office admits is neither taught nor suggested by Klausmeier et al.

To put it another way, as was stated in Amendment C: neither Klausmeier et al. and Dagli et al. teach distributing a plurality of items to a plurality of sub-data structures in an order and receiving items from the sub-data structures in the order. The Office action admits in paragraph 6 that Klausmeier does not teach this, and the Office relies on paragraph [0047] of Dagli et al. for this teaching. However, applicants respectfully submit that this is not a teaching of Dagli et al.; rather, it teaches that the queue data is retrieved *from a particular queue* in the same order it was *written to that same particular queue*; not in the same order that it is stored across it multiple queues would be required by a application of the references to independent claim 1 in compliance with the MPEP, as claim 1 recites a system configured to distribute a plurality of items to a plurality of sub-data structures in an order and receiving items from the sub-data structures in the order. Remember, Dagli et al. is directed towards implementing multiple queues using shared memory and the tracking information is maintained on a per queue basis for retrieving items from various memory locations in the order it was stored in the queue. There is no tracking information kept for maintaining ordering of data received among the queues. See, for example, paragraph [0051] which teaches this, as well as the teachings of FIGs. 3 and 4 and their corresponding discussion which also teach this. For at least these reasons, Klausmeier et al. and Dagli et al., alone or in combination, neither teach nor suggest all the limitations recited in independent claim 1.

For at least these reasons, independent claim 1 and its dependent claims of 2-8 and 29-30 are believed to be allowable. Additionally, independent claims 13 and 21-28 and 33 are rejected for the same traversed rejection presented for independent claim 1, and therefore Applicants respectfully submit that all pending claims, claims 1-8 and 13-34 are believed to be allowable.

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In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over the prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. Applicant requests any and all rejections and/or objections be withdrawn. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney.

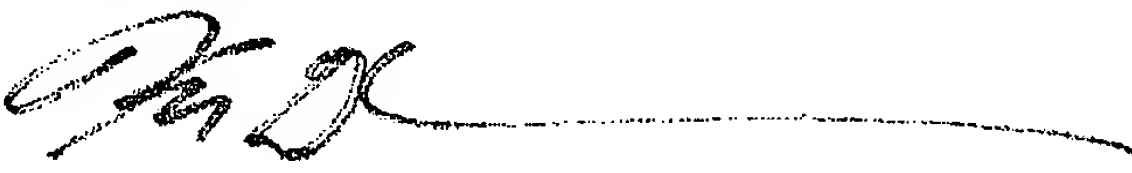
If the Office action complies with MPEP § 706 and specifically 37 CFR 1.104(c)(2), then Klausmeier et al. and Dagli et al. are the best references available. As these references, alone or in combination, neither teach nor suggest all the claim elements and limitations as required by the MPEP, then all pending claims are believed to be allowable over the best art available as determined by the Office, and Applicants request the claims be allowed and the application pass to issuance.

Applicants believe no extension of time is required, but hereby petitions any such extension of time required and authorizes the Commissioner to charge any associated fees to Deposit Account No. 501430.

Respectfully submitted,
The Law Office of Kirk D. Williams

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By



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